

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
Cabell County Commission v.
AmerisourceBergen Drug Corp., et al.
Case No. 17-op-45053-DAP

MDL No. 2804

Hon. Dan Aaron Polster

**CARDINAL HEALTH, INC.'S UNOPPOSED MOTION
FOR ADDITIONAL BRIEFING PAGES**

Distributor Defendant Cardinal Health, Inc. (“Cardinal”) respectfully moves the Court for a modest modification of Case Management Order No. 4 (MDL Dkt. No. 485, May 22, 2018) (“CMO-4”) to permit Cardinal to file a reply brief of up to eight pages in support of its motion to dismiss the Second Amended Complaint on the basis of res judicata (Dkt. No. 146-1, June 8, 2018). Plaintiff does not oppose this request.

CMO-4 permits distributor defendants collectively to file motions to dismiss of no more than 150 pages in support of their motions to dismiss in the six local government cases selected for bellwether briefing in *In re National Prescription Opiate Litigation*, MDL No. 2804; Plaintiffs to file oppositions of no more than 150 pages; and distributor defendants to file replies of no more than 90 pages. CMO-4 at 3. Plaintiffs subsequently sought and received permission from the Court to file omnibus responses to manufacturer, distributor, and pharmacy defendants’ motions to dismiss of no more than 400 pages, and filed oppositions of more than 350 pages in the five cases in which distributors are defendants.

Given the length of the omnibus opposition briefs filed by Plaintiffs, the distributor defendants anticipate needing to dedicate their allotted 90 pages for replies to address their joint motions to dismiss. Cardinal's motion to dismiss Cabell County's Second Amended Complaint on the basis of res judicata was not filed on behalf of all distributors jointly, but on behalf of only Cardinal and fellow distributor defendant HD Smith. Plaintiff's opposition brief is 15 pages, and Cardinal therefore requests eight pages, in addition to the 90 pages for the joint replies, for its separate reply.

A proposed order is attached.

Dated: July 13, 2018

Respectfully submitted,

/s/ Enu Mainigi

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CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
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